

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LARRY CARL DIXON (AIS #138238),

Plaintiff,

V.

WILLIE THOMAS, et al.

Defendants.

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CASE NO.: 2:06-CV-164-WKW

SPECIAL REPORT OF DEFENDANT PRISON HEALTH SERVICES, INC.

COMES NOW Defendant Prison Health Services, Inc., (hereinafter referred to as "PHS"), in response to this Honorable Court's Order of February 28, 2006, and presents the following Special Report with regard to this matter:

I. INTRODUCTION

The Plaintiff, Larry Dixon (AIS# 138238) is an inmate confined at Elmore County Correctional Facility located in Elmore County, Alabama. On February 23, 2006, Dixon filed a Complaint against Defendants Warden Willie Thomas, the Alabama Department of Corrections, and PHS, the company that currently contracts with the State of Alabama to provide healthcare to inmates at Elmore, alleging that these Defendants caused him to lose part of a finger on August 3, 2005 by failing to properly maintain the windows at Elmore County Correctional Facility.¹ (See Complaint). As the company that contracts with the Alabama Department of Corrections to provide healthcare to inmates, PHS has no control over the manner in which the

¹ The Plaintiff has failed to illustrate the details of the accident made the basis of his Complaint. However, it can be determined that this inmate was injured when a window fell on his finger. (See Complaint).

windows at Elmore County Correctional Facility are maintained. (See Exhibit A). Since the Plaintiff has failed to make any claim regarding medical care he received for this purported injury, the Plaintiff's claims against PHS in this case are unfounded and due to be dismissed. Simply stated, the Plaintiff has failed to state a claim in this case for which relief may be granted.

WHEREFORE, Defendant, PHS, requests that this Honorable Court dismiss the Plaintiff's Complaint against it with prejudice.

Respectfully submitted,

s/L. Peyton Chapman, III
Alabama State Bar Number CHA060
s/R. Brett Garrett
Alabama State Bar Number GAR085
Attorneys for Defendant PHS

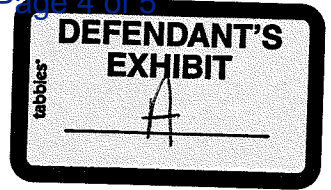
RUSHTON, STAKELY, JOHNSTON &
GARRETT, P.A.
Post Office Box 270
Montgomery, Alabama 36101-0270
Telephone: (334) 834-8480
Fax: (334) 262-6277
E-mail: bg@rsjg.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served by U.S. Mail
this the 24th day of April, 2006, to:

Larry Carl Dixon AIS# 138238
Elmore Correctional Facility
P.O. Box 8
Elmore, Alabama 36025

s/R. Brett Garrett GAR085
Attorney for Defendant PHS



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AFFIDAVIT OF MARILEE MOORE, R.N., H.S.A.

STATE OF ALABAMA)

COUNTY OF ELMORE)

BEFORE ME, Santa J. Owensby, a notary public in and for said County and State, personally appeared **MARILEE MOORE, R.N., H.S.A.**, and being duly sworn, deposed and says on oath that the averments contained in the foregoing are true to the best of her ability, information, knowledge and belief, as follows:

"My name is Marilee Moore. I am over the age of twenty-one and am personally familiar with all of the facts set forth in this Affidavit. I have been a licensed, registered nurse in Alabama since 2001. I hold an Associates Degree in nursing from Troy State University located in Montgomery, Alabama. Since 2001, I have practiced nursing in a variety of positions and settings. I have been employed as Health Services Administrator for Staton Correctional Facility located in Elmore County, Alabama since December of 2005. At all pertinent times my employment as Health Services Administrator has been with Prison Health Services, Inc.

(hereinafter "PHS"), the company which currently contracts with the Alabama Department of Corrections to provide medical services to inmates at Elmore Correctional Facility.¹

I understand that Larry Dixon (AIS # 138238) has made a Complaint in this matter that Prison Health Services, Inc. has caused him to loose part of a finger by failing to properly maintain windows at the Elmore Correctional Facility on August 3rd, 2005. This claim is simply unfounded. PHS has no control over the manner in which the windows at Elmore Correctional Facility are maintained."

Further affiant sayeth not.

Marilee Moore, R.N. H.S.A.
MARILEE MOORE, R.N., H.S.A.

STATE OF ALABAMA)

COUNTY OF ELMORE)

Sworn to and subscribed before me on this the 24th day of april, 2006.

Bonita J. Owens
Notary Public

My Commission Expires:
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Dec 29, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS

¹ Elmore Correctional Facility does not have an infirmary; therefore, all inmates detained at Elmore are treated at neighboring Saton Correctional Facility.